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OFFICE OF THE SECRETARY**

November 3, 2000

**Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TWB204
Washington, D.C. 20004**

**Re: Petition for Rule Making
WUPV(TV), Ashland, Virginia**

Dear Ms. Salas:

On behalf of Bell Broadcasting, L.L.C. licensee of television station WUPV (TV), Ashland, Virginia, enclosed please find an original and four copies of a Petition for Rule Making.

The Petition requests the Commission to amend the NTSC Table of Television Allotments (47 C.F.R. § 73.606(b)) to delete noncommercial educational TV Channel 52 at Courtland, Virginia, substitute TV Channel 52 for Petitioner's currently allotted NTSC Channel 65 at Ashland, Virginia, and modify Petitioner's license accordingly.

Should any questions arise in considering this matter, it is respectfully requested that you communicate with this office.

Very truly yours,

**Mark J. Prater
Counsel to Bell Broadcasting, L.L.C.**

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Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED
NOV 3 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

)
Amendment of Section 73.606(b),)
Table of Allotments,)
TV Broadcast Stations)
(Ashland, Virginia).)
)

MM Docket No. 00-_____
RM-_____

PETITION FOR RULE MAKING

Bell Broadcasting, L.L.C. ("Petitioner" or "WUPV"), licensee of Television Station WUPV, Ashland, Virginia, NTSC Channel 65, by its counsel, hereby petitions the Commission, pursuant to Sections 1.401 and 1.420 of the Commission's Rules, to substitute a new channel for operation of WUPV. Petitioner requests the Commission to amend the NTSC Table of Television Allotments (47 C.F.R. § 73.606(b)) to delete noncommercial educational TV Channel 52 at Courtland, Virginia, substitute TV Channel 52 for Petitioner's currently allotted NTSC Channel 65 at Ashland, Virginia, and modify Petitioner's license accordingly.¹ As there is no licensed station on or pending acceptable application for Channel 52 at Courtland, Virginia, grant of this petition will serve the public interest and facilitate the Commission's objective of clearing TV channels 60-69 prior to completion of the transition to DTV. In support hereof, Petitioner states as follows:

¹ NTSC stations on channels 60-69 may file a petition to relocate to a lower channel at any time. Such petitions do not have to be filed during a particular filing window. See Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations, *Public Notice*, DA 99-2605 (Rel. Nov. 22, 1999) [hereinafter *Allotment Petitions Public Notice*]. Accordingly, the instant petition for rule making is timely filed.

1. NTSC Channel 52 is available to be allotted to Ashland, Virginia. Although Channel 52 at Ashland, Virginia, is mutually exclusive with the current noncommercial NTSC Channel 52 allotment at Courtland, Virginia,² Channel 52 at Courtland is a vacant allotment. There is no licensed station on Channel 52 at Courtland. Further, although the Mass Media Consolidated Data Base indicates that an application for Channel 52 at Courtland has been tendered,³ this application has not been, and cannot be, accepted by the Commission. In the FCC's DTV proceeding, the Commission firmly stated that the last day for filing applications for new NTSC stations on vacant allotments was Friday, September 20, 1996.⁴ The application tendered for Channel 52 at Courtland was filed on September 23, 1996.⁵ That filing does not acknowledge that it is late-filed and does not seek a waiver of the Commission's firm deadline of September 20, 1996. Accordingly, that application is unacceptable for filing and must be dismissed.⁶ Besides that one unacceptable application, there are no other pending applications for Channel 52 at Courtland. As Channel 52 at

² See 47 C.F.R. § 73.606(b).

³ See FCC File No. BNPET-19960923ABC, filed on behalf of Community Television Educators.

⁴ See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Sixth Further Notice of Proposed Rule Making*, FCC 96-317, 11 FCC Rcd 10968 (Rel. Aug. 14, 1996), ¶ 60; see also *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Sixth Report and Order*, FCC 97-115 (Rel. Apr. 21, 1997), ¶ 104 [hereinafter *Sixth Report and Order*].

⁵ See FCC File No. BNPET-19960923ABC.

⁶ The FCC's staff has indicated to Petitioner's counsel that all applications for new commercial and noncommercial NTSC stations filed after the September 20, 1996, deadline will be dismissed absent extraordinary and compelling circumstances which must be stated in the filing. No such showing was filed with Community Television Educators' application in File No. BNPET-19960923ABC.

Courtland is a vacant allotment, Petitioner requests that the Commission delete that allotment. Such action would be consistent with the FCC's decision to eliminate all vacant NTSC allotments in the *Sixth Report and Order* of the Commission's DTV proceeding.⁷

2. The substitution of NTSC Channel 52 for NTSC Channel 65 at WUPV's current tower site would comply with the Commission's technical requirements. The attached Engineering Statement, prepared by Kevin T. Fisher, consulting engineer to Petitioner, provides technical support for this proposal and is incorporated herein by reference. As detailed in the Engineering Statement, operation on NTSC Channel 52 from WUPV's currently licensed site meets the Commission's analog spacing requirement in Section 73.610 and the DTV interference criteria in Section 73.623(c).⁸ The only technical issues with WUPV's use of Channel 52 concern the vacant NTSC Channel 52 allotment in Courtland, Virginia; WMAR-DT on Channel 52 in Baltimore, Maryland; and WTVD-DT on Channel 52 in Durham, North Carolina. As set forth in the above paragraph, Petitioner herein requests deletion of Channel 52 at Courtland as it is a vacant allotment with no acceptable application pending. Further, WUPV's proposed Channel 52 operating parameters demonstrate no cognizable interference concerns with respect to WMAR-DT (showing only 0.2% interference as licensed and 0.4% interference as allotted) and WTVD-DT (showing only 0.1%

⁷ See *Sixth Report and Order*, ¶ 112.

⁸ See Engineering Statement (attached hereto as Exhibit A). Proposals to change the channel of an existing NTSC allotment must (1) meet the minimum distance separation requirements between NTSC stations and (2) protect DTV stations from interference. See *Allotment Petitions Public Notice*.

interference as licensed, as allotted, and as applied for).⁹ Accordingly, the proposal satisfies the Commission's technical requirements.

3. Petitioner's request to substitute Channel 52 for Channel 65 is in the public interest because it advances the Commission's goal of encouraging voluntary clearing of channels 60-69 at the earliest possible date. By clearing the 700 MHz band early, incumbent 60-69 television licensees, such as Petitioner, will help expedite the arrival of new wireless voice and broadband data services and will help make available to the public safety community needed new spectrum that Congress has mandated to be allocated for public safety use.

4. In the Commission's 700 MHz service and auction rules proceeding, the Commission established a presumption that, in certain circumstances, substantial public interest benefits will arise from the early clearing of channels 60-69 by incumbent broadcasters.¹⁰ Thus, the Commission will presume that the public interest is substantially furthered when grant of a regulatory request associated with clearing channels 60-69 would (1) not result in a significant loss of broadcast service to the community; and (2) make new wireless services available to consumers; (3) clear commercial frequencies that enable provision of public safety services; or (4) result in the provision of wireless service to underserved communities.¹¹ A grant of Petitioner's request to substitute Channel 52 for Channel 65 would result in *absolutely no loss of broadcast service* to the community of Ashland,

⁹ See Engineering Statement, Exhibit D-2. Under the Video Services Division's engineering rounding policy, interference of less than 0.5% is not cognizable.

¹⁰ See Service Rules of the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, WT Docket No. 99-168, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 00-224 (Rel. Jun. 30, 2000).

¹¹ See *id.* ¶ 61.

Virginia. Unlike most scenarios presumed by the FCC in the 700 MHz proceeding, WUPV would not terminate NTSC operation after vacating Channel 65. Rather, WUPV would continue NTSC operation on Channel 52 in addition to DTV operation on its allotted DTV Channel 47. Further, Channel 65 is the *only used TV allotment within the 700 MHz band* in the Richmond-Petersburg, Virginia market.¹² Allowing substitution of NTSC Channel 52 for NTSC Channel 65 would thus clear the way for the early implementation of new wireless and public safety services in this important market. Accordingly, under the Commission's standards, substantial public interest benefits can be presumed from a grant of the instant request to permit WUPV to move from Channel 65 to Channel 52.

5. Petitioner herein states its present intention to apply for Channel 52. Petitioner recognizes that the instant request is made without knowing the market winner of the 700 MHz auction, which is currently scheduled to begin on March 6, 2001,¹³ and without the financial benefit of having entered into a voluntary band clearance agreement with a new 700 MHz licensee. Should the Commission not resolve the instant proceeding by the conclusion of the 700 MHz auction, Petitioner herein reserves the right to enter into a band clearance agreement with a new 700 MHz

¹² See Television & Cable Factbook 2000, at A-1227. In addition to NTSC Channel 65, NTSC Channel 63 is the only other 60-69 allotment in the Richmond market; however, Channel 63 is an unuseable allotment since the Commission will no longer grant authority for operation on channels 60-69. See *Allotment Petitions Public Notice*. Accordingly, no station will ever be granted authority to operate on Channel 63 in Richmond, and thus, Petitioner's Channel 65 allotment is in fact the only 60-69 allotment in Richmond that now can ever be used by a television station.

¹³ Auction of Licenses for the 747-762 and 777-792 MHz Bands Postponed Until March 6, 2001, *Public Notice*, FCC 00-282 (rel. July 31, 2000).

licensee which could have the added benefit of providing remuneration that could help defray Petitioner's costs in implementing DTV service.

6. For the above reasons, Petitioner respectfully requests that the Commission adopt and release a Notice of Proposed Rule Making, proposing to amend the NTSC TV Table of Allotments by deleting NTSC Channel 52 at Courtland, Virginia, and substituting NTSC Channel 52 for NTSC Channel 65 at Ashland, Virginia. Thereafter, Petitioner respectfully requests that the Commission adopt and release a Report and Order amending the NTSC TV Table of Allotments as follows:

Community	Present Allotments	Proposed Allotments
Ashland, VA	65+	52
Courtland, VA	*52	

Respectfully submitted,

BELL BROADCASTING, L.L.C.

By: 

Mark J. Prak

By: 

David Kushner

By: 

Coe W. Ramsey

Counsel to Bell Broadcasting, L.L.C.

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November 3, 2000

EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of BELL BROADCASTING LLC, licensee of WUPV(TV), Channel 65 in Ashland, Virginia, in support of its Petition for Rulemaking to substitute NTSC Channel 52 for WUPV's NTSC Channel 65 in Ashland, Virginia.

Due to the imminent FCC auction of the Channel 65 spectrum to wireless communications services, the licensee of WUPV desires to vacate the present NTSC channel as soon as possible. Our detailed channel search reveals that NTSC Channel 52 meets the Commission's analog spacing requirements of §73.610, as well as the DTV interference criteria of §73.623(c). Deletion of the unused NTSC Channel 52 allotment in Courtland, Virginia, is required in order to make Channel 52 available in Ashland, Virginia.

Exhibit B-1 is an NTSC spacing study for the new Channel 52 allotment in Ashland, based on the reference coordinates for this community (37° 45' 31" N, 77° 28' 49" W). As shown, the only shortspacings involve WMAR-DT, Channel 52 in Baltimore, Maryland; the unused NTSC Channel 52 allotments in Courtland, Virginia, and Cumberland, Maryland; and WCWV(TV), Channel 57 in Richmond, Virginia. It is requested that the new Channel 52 allotment in Ashland be site-restricted to an area at least 11 kilometers east of the Ashland reference coordinates in order to protect the Cumberland allotment and WCWV. Exhibit B-2 is another spacing study, this time using the licensed site of WUPV(TV). As shown, the only short-spacing issues are with respect to the vacant

EXHIBIT A

Channel 52 assignment in Courtland, Virginia, and to WMAR-DT on Channel 52 in Baltimore, Maryland.

Although we request the deletion of the unused Courtland allotment, it is important to note that there is a pending application for this assignment (BNPET-19960923ABC). However, the applicant, Community Television Educators, tendered the proposal after the cutoff date set by the Commission for the filing of applications for new NTSC television services. Therefore, it is believed that BNPET-19960923ABC was not timely filed and must be dismissed by the Commission on procedural grounds.

With respect to potential interference to WMAR-DT, as well as other DTV facilities and allotments, we have analyzed the effect of a proposed NTSC Channel 52 Ashland station on these stations. Under the present circumstances, the FCC's spacing requirements to digital television facilities and allotments do not pertain. Instead, Longley-Rice interference studies are utilized to ensure that the NTSC proposal meets the requirements of Section 73.623(c)(2) of the FCC's Rules (without the benefit of causing *de minimis* levels of interference).

The operating parameters used in the interference study are identical to those of WUPV, except that an effective radiated power of 5000 kw was assumed. A tabulation of the proposed operating parameters is provided in Exhibit C. Exhibit D is an interference study, which concludes that the proposed WUPV facility meets the requirements of §73.623(c)(2) of the Rules with respect to all DTV facilities and allotments.

EXHIBIT A

It is thus requested that the FCC delete the analog Channel 65 assignment in Ashland, Virginia, and the Channel 52 assignment in Courtland, Virginia, and add NTSC Channel 52 to Ashland for use by WUPV, by changing §73.606(b) of its Table of NTSC Allotments, as follows:

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Ashland, Virginia	65+	52
Courtland, Virginia	*52	

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.



KEVIN T. FISHER

October 18, 2000

Smith and Fisher
Washington, DC

EXHIBIT B-1

Dataworld Analog TV Spacing Study

ASHLAND, VIRGINIA
REFERENCE COORDINATES
Latitude: N 37° 45' 31.0"

Title: Ashland, Virginia

Channel: 52 Zone I (658-704 MHz; Analog)

Longitude: W 77° 26' 49.0"
Safety Zone: 30.0 km

Database: DW 10/16/2000 5:30:59 PM

Call	Auth	Licensor name	Chan	HAAT(m)	ERP	Latitude	Br-to	Dist	Req
City of License		St	FCC File Number	Zone	HAMSL(m)	Longitude	-from	(km)	(km)
WBFF	Lic	Chesapeake Television Licensee,	45 o	385.9	1290	N 39° 20' 10.0"	22.1	189.5	95.70
Baltimore		MD	BLCT-19890526KF	I	495.9	W 76° 38' 59.0"	202.6	93.79	CLEAR
WPXV	CP	Faxson Communications License Co	49 -	344.0	2000	N 36° 49' 51.0"	140.2	133.7	31.40
Portsmouth		VA	BPCT-19960627KK	I	351.0	W 76° 31' 05.0"	320.8	102.3	CLEAR
CP granted 7/24/98 per 44293-7/29/98;									
WBDC-TV	CP	WBDC Broadcasting, Inc.	50 o	262.0	2360	N 38° 57' 00.0"	14.6	136.8	31.40
Washington		DC	BPCT-20000619AEP	I	330.0	W 77° 04' 49.0"	194.9	105.4	CLEAR
CP granted 9/19/2000 per 44826-9/25/2000; EXT 950511DP (23513 5/22/95);									
WBDC-TV	App	WBDC Broadcasting, Inc.	51	274.0	100	N 38° 57' 00.0"	14.6	136.8	106.0
Washington		DC	BPCDT-19990915TL	I	340.0	W 77° 04' 49.0"	194.9	30.79	CLEAR
Digital channel; DTV channel; CP cancelled and call sign deleted per 44089-10/2/97;									
ALLOC			*52 o	0.0	0	N 36° 42' 50.0"	162.3	121.3	248.6
Courtland		VA	II	0.0		W 77° 04' 00.0"	342.6	-127	SHORT
WMAR-TV	DTV	Scripps Howard Broadcasting Comp	52	305.0	1000	N 39° 20' 05.0"	22.1	189.3	217.3
Baltimore		MD		I	385.0	W 76° 39' 03.0"	202.6	-25.0	SHORT
Digital channel; DTV Channel Allotment per MM Doc 87-268 (6th R & O) released 2/19/98; DA rap MDBALTIMORE_52 @ 0.0°									
WMAR-TV	Lic	Scripps Howard Broadcasting Comp	52	311.0	602	N 39° 20' 06.0"	22.1	189.3	217.3
Baltimore		MD	BLCOT-19980713KE	I	395.0	W 76° 39' 03.0"	202.6	-28.0	SHORT
Digital channel; DTV channel;									
ALLOC			52 +	0.0	0	N 39° 38' 60.0"	332.5	237.8	248.6
Cumberland		MD	I	0.0		W 73° 45' 48.0"	151.7	-10.8	SHORT
WVVT	Lic	Central Virginia Educational Tel	*53 o	229.0	2290	N 38° 37' 42.0"	2.1	96.61	97.70
Goldvein		VA	BMLET-19901114KE	I	309.0	W 77° 26' 20.0"	182.2	8.906	CLOSE
NEW	App	Hampton University	*55 +	144.0	1000	N 37° 01' 02.0"	128.9	130.5	31.40
Hampton		VA	BPET-19920203KE	I	144.0	W 76° 20' 11.0"	309.6	99.11	CLEAR
WNVC	Lic	Central Virginia Educational Tel	*56 -	223.0	1230	N 38° 52' 28.0"	10.2	125.9	31.40
Fairfax		VA	BLET-19830525KF	I	311.0	W 77° 13' 24.0"	190.3	94.48	CLEAR
WCWV	Lic	Central Virginia Educational Tel	*57 -	293.0	1000	N 37° 30' 46.0"	201.4	29.31	31.40
Richmond		VA	BLET-780828IU	I	360.0	W 77° 35' 06.0"	21.3	-2.09	SHORT
WWPX	Lic	D P Media License of Martinsburg	60 +	300.0	2040	N 39° 27' 27.0"	345.1	195.3	31.40
Martinsburg		WV	BLCT-19960826KG	I	506.0	W 78° 03' 53.0"	164.8	163.9	CLEAR
License granted 6/21/99 per 44517-5/26/99; DA: DIE ODD980402KG @ 0.0°; Primary station: WPXW Manassas, VA									
WPXW	Lic	Paxson Washington License, Inc.	66 +	168.0	4370	N 36° 47' 16.0"	6.5	115.0	95.70
Manassas		VA	BLCT-19960516KE	I	255.0	W 77° 19' 49.0"	186.6	19.29	CLEAR

EXHIBIT B-2

WUPV (TV) SITE

Longitude: W 77° 15' 15.0"

Safety Zone: 30.0 km

Channel: 52 Zone 1 (698-704 MHz) Analog

Database: DW 10/16/2000 5:30:59 PM

Call	Auth	Licensor name	Chan	HAAT(m)	ERP	Latitude	Br-to	Dist	Req	
City of License		St	FCC File Number	Zone	HMSL(m)	Longitude	-from	(km)	(km)	
WBFF Baltimore	Lic	Chesapeake Television Licensee, MD	BLCT-19890526KF	45 o I	385.9 495.9	1290	N 39° 20' 10.0" W 76° 38' 59.0"	16.3 196.7	184.6 88.94	95.70 CLEAR
WPXV Portsmouth	CP	Paxson Communications License Co VA	BPCT-19960627KK	49 - I	344.0 351.0	2000	N 35° 49' 51.0" W 76° 31' 05.0"	147.0 327.5	120.4 88.96	31.40 CLEAR
CP granted 7/24/98 per 44293-7/29/98;										
WBDC-TV Washington	CP	WBDC Broadcasting, Inc. DC	BPCT-20000619AEP	50 o I	262.0 330.0	2360	N 38° 57' 00.0" W 77° 04' 49.0"	6.4 186.5	135.0 103.6	31.40 CLEAR
CP granted 9/19/2000 per 44826-9/25/2000; EXT 950511DP (23513 5/22/95);										
WBDC-TV Washington	App	WBDC Broadcasting, Inc. DC	BPCDT-19990915TL	51 I	274.0 340.0	100	N 38° 57' 00.0" W 77° 04' 49.0"	6.4 186.5	135.0 28.95	106.0 CLEAR
Digital channel; DTV channel; CP cancelled and call sign deleted per 44089-10/2/97;										
ALOC Courtland		VA		*52 o II	0.0 0.0	0	N 36° 42' 60.0" W 77° 04' 00.0"	171.7 351.8	115.0 -134	248.6 SHORT
WMAR-TV Baltimore	DTV	Scripps Howard Broadcasting Comp MD		52 I	305.0 389.0	1000	N 39° 20' 05.0" W 76° 39' 03.0"	16.3 196.7	184.5 -32.8	217.3 SHORT
Digital channel; DTV Channel Allotment per MM Doc 87-268 (6th R & O) released 2/19/96;; DA: rep MDSALTIMORE_52 @ 0.0°										
WMAR-TV Baltimore	Lic	Scripps Howard Broadcasting Comp MD	BLCDT-19960713KE	52 I	311.0 395.0	602	N 39° 20' 06.0" W 76° 39' 03.0"	16.3 196.7	184.5 -32.8	217.3 SHORT
Digital channel; DTV channel;										
ALOC Cumberland		MD		52 + I	0.0 0.0	0	N 39° 38' 60.0" W 78° 45' 48.0"	328.8 147.8	249.2 0.600	248.6 CLOSE
WVNT Goldvein	Lic	Central Virginia Educational Tel VA	BMLET-19901114KE	*53 o I	229.0 309.0	2290	N 38° 37' 42.0" W 77° 26' 20.0"	350.8 170.6	99.71 12.01	87.70 CLOSE
NEW Hampton	App	Hampton University VA	BPET-19920203KE	*55 + I	144.0 144.0	1000	N 37° 01' 02.0" W 76° 20' 11.0"	134.5 315.1	114.4 82.96	31.40 CLEAR
WVNC Fairfax	Lic	Central Virginia Educational Tel VA	BLET-19830525KF	*56 - I	223.0 311.0	1230	N 38° 52' 28.0" W 77° 13' 24.0"	1.2 181.2	125.7 94.34	31.40 CLEAR
WCWV Richmond	Lic	Central Virginia Educational Tel VA	BLET-780828IU	*57 - I	293.0 360.0	1000	N 37° 30' 46.0" W 77° 36' 06.0"	230.3 50.1	39.85 8.450	31.40 CLOSE
WWPX Martinsburg	Lic	D P Media License of Martinsburg WV	BLCT-19960826KG	60 + I	300.0 506.0	2040	N 39° 27' 27.0" W 78° 03' 53.0"	340.0 159.5	203.1 171.7	31.40 CLEAR
License granted 6/21/99 per 44517-6/28/99;; DA: DIE ODD380402KG @ 0.0°; Primary station: WPXW Manassas, VA										
WPXW Manassas	CP	Paxson Washington License, Inc. VA	BPCT-20000215AAR	66 + I	190.0 275.5	3400	N 38° 47' 16.0" W 77° 19' 47.0"	356.8 176.7	116.3 20.57	95.70 CLEAR
CP granted 5/8/2000 per 44738-5/19/2000; REINST. FORFT. CP EXT RECD 3-25-93 PER FCC INVEN 7-16-83;										

EXHIBIT C

PROPOSED OPERATING PARAMETERS

PROPOSED WUPV(TV)
CHANNEL 52 - ASHLAND, VIRGINIA

Channel Number:	52z
Zone:	1
Site Coordinates:	37-44-32 77-15-15
FCC Tower Registration Number:	1035293
Tower Site Elevation (AMSL):	29 meters
Overall Tower Height Above Ground:	273 meters
Overall Tower Height Above (AMSL):	302 meters
Effective Antenna Height Above Ground:	265 meters
Effective Antenna Height (AMSL):	295 meters
Average Terrain Elevation (2-10 miles):	33 meters
Effective Antenna Height Above Average Terrain:	262 meters
Antenna Make and Model:	Andrew ATW25H3- HTC3-52S
Orientation:	225°T
Electrical Beam Tilt:	0.75°
Polarization:	Horizontal
Effective Radiated Power (main-lobe, maximum):	5000 kw

EXHIBIT D-1

ALLOCATION AND INTERFERENCE STUDY

PROPOSED WUPV(TV)
CHANNEL 52 - ASHLAND, VIRGINIA

The NTSC spacing study in Exhibit B-2, using the site coordinates of WUPV(TV), concludes that the proposed Channel 52 facility meets all spacing requirements of Section 73.610 of the FCC Rules with respect to other NTSC facilities, authorizations and assignments (except for that to the Courtland allotment, the deletion of which is proposed in this petition.)

Since predicted interference rather than separation requirements to DTV facilities pertains to this petition, an interference study was then conducted using the operating parameters of the proposed WUPV(TV) facility described in Exhibit C to determine if it meets the DTV interference requirements of Section 73.623(c)(2) of the Commission's Rules. Specifically, the proposed facility must cause less than 0.5 percent interference to the service population of an authorized or proposed DTV station or to its corresponding allotment facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 db μ or greater and lies within the predicted 41 db μ contour of the station, based on using the FCC's F(50,90) curves, the station's effective radiated power, and 2-10 mile terrain averages along each of the cardinal radials.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe" computer program, which has been found generally to mimic the FCC's program. Changes in interference caused by the addition of WUPV on Channel 52 to pertinent DTV stations are tabulated in Exhibit D-2.

As indicated, the proposed WUPV facility contributes less than 0.5 percent interference to the service population of all potentially affected DTV stations. In addition, we

EXHIBIT D-1

have determined that the proposed WUPV allotment will not affect any Class A-eligible LPTV station.

Therefore, this proposal meets the FCC's interference standards as defined in Section 73.623(c) of the Commission's Rules.

EXHIBIT D-2

DTV INTERFERENCE ANALYSIS
PROPOSED WUPV(TV)
CHANNEL 52 - ASHLAND, VIRGINIA

INTERFERENCE LOSSES (POPULATION)							% of DTV Service Population*
<u>DTV Call Sign</u>	<u>City, State</u>	<u>Ch.</u>	<u>41 dbu Service Population (Longley-Rice)</u>	<u>NTSC & DTV Without Ashland</u>	<u>NTSC & DTV With Ashland</u>	<u>Unmasked Ashland</u>	
WTVD-DT (Allot.)	Durham, NC	52	2,408,667	101,951	105,532	3,581	0.1
WTVD-DT (CP)	Durham, NC	52	2,354,283	76,514	79,017	2,503	0.1
WTVD-DT (LIC)	Durham, NC	52	2,132,543	92,028	94,365	2,337	0.1
WMAR-DT (LIC)	Baltimore, MD	52	6,724,088	459,654	475,211	15,557	0.2
WMAR-DT (Allot.)	Baltimore, MD	52	7,495,443	664,440	692,367	27,927	0.4

* Must be less than 0.5%, under FCC *de minimis* interference standards.